

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/07/2001

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Stott

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters: grantpr
fasttnSubject: Higher Education - miscellaneous
Transportation - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Stott -

Topic:

Creation of Wisconsin Artistic Endowment Foundation and arts board license plate

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 06/08/2001	hhagen 06/08/2001					
/1			rschluet 06/08/2001		lrb_docadmin 06/08/2001		

06/09/2001 02:32:15 PM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	fasttn 06/09/2001	gilfokm 06/09/2001	jfrantze 06/09/2001	_____	lrb_docadmin 06/09/2001		

FE Sent For:

<END>

06/08/2001 02:32:13 PM

Page 1

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/07/2001

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Stott

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters: grantpr
fasttnSubject: Higher Education - miscellaneous
Transportation - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Stott -

Topic:

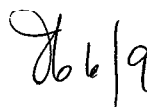
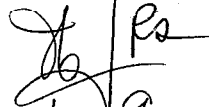
Creation of artistic endowment foundation and arts board license plate

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mlief 06/08/2001	hhagen 06/08/2001					
/1		12-6/Kmg 9-01	rschluet 06/08/2001		lrb_docadmin 06/08/2001		



 6/9 6/9

FE Sent For:

<END>

06/07/2001 03:31:46 PM

Page 1

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**

Received: 06/07/2001

Received By: mlief

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Stott

This file may be shown to any legislator: NO

Drafter: mlief

May Contact:

Addl. Drafters: grantpr
fasttnSubject: Higher Education - miscellaneous
Transportation - miscellaneous

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

LFB:.....Stott -



Topic:

Creation of artistic endowment foundation and arts board license plate

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	mlief	1, hmk 6/8/01	 6-8-1	 CMN 6-8-1			

FE Sent For:

<END>

GENERAL FUND TAXES

Creation of an Artistic Endowment Foundation and Arts Board License Plate

Motion:

Move to create an Artistic Endowment Foundation (Foundation). The Foundation would be a nonprofit corporation organized under ch. 181 so that contributions to it would be deductible from adjusted gross income under section 170 of the Internal Revenue Code. Under the Foundation, create the following new appropriations: create a continuing appropriation for education and marketing of the artistic endowment fund, create a new annual segregated appropriation from the artistic endowment fund for general program operations of the Foundation; and a continuing appropriation for all moneys received as interest and earnings of the artistic endowment fund less the amounts appropriated for general program operations and support of arts programs.

Create a segregated, nonlapsible trust fund designated as the artistic endowment fund to consist of all gifts, grants, bequests or other contributions made to the fund and all gifts, grants, bequests or other contributions made to the Foundation as well as proceeds from the issuance of special Arts Board license plates.

Create a new appropriation under the Arts Board for funds received from the Foundation for operating support of arts organizations and for grants under the Wisconsin regranting program and permit the Arts Board to award grants under the regranting program to local arts agencies and municipalities from funds in the new appropriation.

Establish a 14-member board of directors for the Foundation, eight of whom are appointed by the Governor. The other members are the chairperson of the Arts Board or the chairperson's designee, the executive secretary of the Arts Board as a nonvoting member, and 4 legislators representing the majority and minority parties of each house of the Legislature. The members appointed by the Governor would serve staggered 7-year terms, and at least one of them would need to be knowledgeable in marketing and fund raising for the arts. The Board would annually elect a chairperson and may elect other officers, as they consider appropriate. Seven voting members would constitute a quorum, and the Board could take action upon a vote of a majority of the voting members present, unless the bylaws of the Foundation were to require a larger number. A nonstatutory provision would require the initial Board appointments by the Governor would be limited as follows: two of the Board members appointed for 2-year terms; 2 members appointed for 4-year terms; and 2 members appointed for 6-year terms.

D-N
Start-up
costs
appropriation
(GPR)
Sunset
June 30,
2008

✓ Give the Board the powers of the Foundation, and all of the powers necessary and convenient to carry out its duties. The general powers and duties would include the following: make, amend, and repeal bylaws for the conduct of its affairs; adopt a seal and alter that seal; sue and be sued; maintain an office; solicit and accept donations of money, property, and art objects; execute contracts and other instruments; employ legal, financial, technical or other experts and any other necessary employees and fix their qualifications, duties and compensation; establish arts programs with the advice of the Arts Board and statewide arts organizations; and convert any noncash gift, grant, bequest or other contribution to the Foundation to cash.

✓ Establish responsibilities for the Foundation related to distribution and receipt of grants and gifts. The Foundation would need to ensure to the greatest extent possible the equitable distribution of funds and other support among all of the following: the various geographic regions of the state; urban, suburban, and rural areas of the state; and the various ethnic, racial and cultural groups of the state. The Foundation would need to appoint a licensed appraiser to evaluate each donated art object and establish the current value, appreciation and degree of risk in holding or selling the art object, adopt bylaws for accepting restricted donations. The Foundation would be required to annually submit to the Governor and presiding officer of each house of the Legislature an audited financial statement of the operations of the Foundation, prepared in accordance with generally accepted accounting principles and biennially review the Foundation's priorities for expenditures of the fund and report those priorities to the presiding officer of each house of the Legislature.

✓ Give the Foundation the authority to distribute money appropriated to them to the Arts Board for programs that provide operating support to arts organizations and for the Wisconsin regranting program. In addition, the Foundation would be able to distribute moneys appropriated to them to an arts program established with the advice of the Arts Board and statewide arts organizations if, to the extent possible, it uses the Arts Board mechanisms and staff for administering and distributing the moneys. Of the total amount distributed by the Foundation in any fiscal year that constitutes earnings on unrestricted donations, the Foundation would distribute at least 50% to the Arts Board. The Foundation could not distribute moneys to the Arts Board in any fiscal year in which the Foundation determines that the amount of general purpose revenue appropriated to the Arts Board is less than the amount appropriated in the previous fiscal year.

Permit the dissolution of the Foundation only if the Legislature enacts a law ordering dissolution.

Move to require DOT to issue Arts Board license plates to interested persons who register: (a) an automobile or motor home; (b) a truck, dual purpose motor home or dual purpose farm truck that has a gross weight of not more than 8,000 pounds; or (c) a farm truck that has a gross weight of not more than 12,000 pounds. Specify that applicants for the plate, in addition to the fee for the vehicle registration or other fees, would pay a \$15 issuance and reissuance fee, to be deposited in the transportation fund and an annual \$20 fee (or a \$40 fee for vehicles registered on a biennial basis) as long as the plate is maintained. Deposit the first \$196,700, or an amount equal to actual production costs, whichever is less, of the revenue from the \$20 (or \$40) fee in the transportation fund and allocate the remaining revenue to the artistic endowment fund. Specify that the \$20 (or

(D-N)
Reg
bd
deposited
all
gifts
in
state
treasury

\$40) fee shall be deductible as a charitable contribution to the extent permitted under current law.

Require DOT to consult with the Executive Secretary of the Arts Board before specifying the word or symbol used on the Arts Board licenses plate. Create an exception for the Arts Board plate from a provision that prohibits new special group plates from being authorized after October 1, 1998, except under a procedure whereby groups apply for a special group plate and deposit \$15,500 with an application.

Prohibit DOT, after an initial design for the Arts Board plate is developed, from developing a new design for the plate until January 1, 2007, and exempt the Arts Board plate from plate replacement requirements until July 1, 2007.

Note:

This motion would create the Artistic Endowment Foundation and fund. The Foundation would have a 14-member board of directors, eight of whom are appointed by the Governor.

The proposed plate would require a \$15 issuance fee and an annual fee of \$20. The revenue from the \$15 issuance fee as well as the first \$196,700, or an amount sufficient to cover the cost of production, generated from the \$20 fee would be deposited to the transportation fund and any additional monies received from the \$20 fee would be transferred to the fund within the Arts Board. The amount of revenue associated with the issuance of the special license plate is unknown.

[Change to Bill: Indeterminate amount of SEG-REV]

2001

Date (time)
needed

soon

LRB b 0690 1 1

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

D-N

MJL / PG / TNF: hnh

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page [✓]487, line [✓]6: after that line insert: [INS. A]

#. Page [✓]487, line [✓]21: after that line insert: [INS B]

#. Page [✓]640, line [✓]9: after that line insert: [INS C]

#. Page [✓]640, line [✓]15: after that line insert: [INS D]

Page 644, line 14: after that line insert: [INS D-1]

#. Page [✓]648, line [✓]23: after that line insert [INS E]

#. Page [✓]718, line [✓]11: after that line insert: [INS F]

2001

Date (time)
needed

soon

(Cont'd)

LRB b 0690, 1

LFB BUDGET AMENDMENT
[ONLY FOR LFB]

MJC : : :

See form AMENDMENTS — COMPONENTS & ITEMS.

LFB AMENDMENT
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 1437, line 24: after that line insert: [INS. G]

X #. Page 1535, line 5: on lines 5, 6 and 14, delete "or 55."
and substitute "55., or 56."

#. Page 1536, line 5: delete "or 55." and substitute "55., or 56."

#. Page 1538, line 14: after that line insert:
[INS G-1]#. Page 1538, line 15: after "statutes" insert ", as affected
by 2001 Wisconsin Act ... (this act),".X #. Page 1538, line 18: on lines 18 and 20,
delete "or 55." and substitute "55.,
or 56."

2001

Date (time)
needed

soon

LRB b 069011

(cont'd)

LFB BUDGET AMENDMENT [ONLY FOR LFB]

See form AMENDMENTS — COMPONENTS & ITEMS.

LFB AMENDMENT TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 1541, line 4: after that line insert:

[INS G-2]

#. Page 1739, line 7: after that line insert:

[INS H]

#. Page 1825, line 8: after "3." insert "(by ^{CS} SECTION 3402)".

(END)

#. Page 2, line:

#. Page, line:

#. Page, line:

SENATE BILL 164

SECTION 1

2001-02

2002-03

**20.220 Wisconsin Artistic Endowment
Foundation**

(1) SUPPORT OF THE ARTS

(a) Wisconsin artistic endowment

board; start-up costs	GPR	A	7,500	7,500
-----------------------	-----	---	-------	-------

(b) Education and marketing	GPR	C	150,000	-0-
-----------------------------	-----	---	---------	-----

(q) General program operations	SEG	A	-0-	-0-
--------------------------------	-----	---	-----	-----

465m ✓
SECTION 2. 20.215 (1) (j) of the statutes is created to read:

20.215 (1) (j) *Support of arts programs.* All moneys received from the Wisconsin Artistic Endowment Foundation under s. 247.06 (1) (a) for operating support of arts organizations and for grants under the Wisconsin regranting program under s. 44.62. >>.

467m ✓
SECTION 3. 20.220 of the statutes is created to read:

20.220 Wisconsin Artistic Endowment Foundation. There is appropriated to the Wisconsin Artistic Endowment Foundation for the following programs:

(1) SUPPORT OF THE ARTS. (a) *Wisconsin artistic endowment board; start-up costs.* The amounts in the schedule for the start-up costs of the Wisconsin artistic endowment board. No moneys may be encumbered from this appropriation after June 30, 2003.

no 9 (b) *Education and marketing.* As a continuing appropriation, the amounts in the schedule for public education and marketing relating to the Wisconsin artistic endowment fund.

INS
AINS
B

stage

SENATE BILL 164

(q) *General program operations.* From the artistic endowment fund, the amounts in the schedule for general program operations of the foundation.

(r) *Support of the arts.* From the artistic endowment fund, as a continuing appropriation, all moneys received as interest and earnings of the artistic endowment fund, less the amounts appropriated in par. (q), for support of the arts under s. 247.06. [>], *End INS B.*

" SECTION ~~25.14~~ ^{1102 m} (1) (a) ~~15~~ ⁶ of the statutes is created to read: *INS C*

25.14 (1) (a) ~~15~~ ⁶. The artistic endowment fund. [>].

" SECTION ~~25.17~~ ^{1104 m} (1) (ak) of the statutes is created to read: *INS D*

25.17 (1) (ak) Artistic endowment fund (s. 25.7~~8~~ ⁸); [>],

" SECTION ~~25.78~~ ^{1143 m} of the statutes is created to read: *INS E*

~~25.78~~ ⁸ Artistic endowment fund. (1) There is established a separate nonlapsible trust fund designated as the artistic endowment fund, to consist of all of the following:

(a) All gifts, grants, bequests, or other contributions made to the artistic endowment fund.

(b) All gifts, grants, bequests, or other contributions made to the Wisconsin Artistic Endowment Foundation and described under s. 247.05 (2) (f).

(2) Notwithstanding sub. (1), only 50% of the first \$300,000 of any gifts, grants, bequests, or other contributions received under sub. (1) shall be deposited in the artistic endowment fund. [>],

" SECTION ~~44.62~~ ^{1419 m} (2) of the statutes is amended to read: *INS F*

44.62 (2) Subject to sub. (3), the board shall award grants under the Wisconsin regranting program to local arts agencies and municipalities. Grants shall be awarded from the ~~appropriation~~ appropriations under s. 20.215 (1) (f) and (j). [>],

(c) ^{All} Moneys received under s. 341.14 (6r) (b) 9.

SENATE BILL 164

SECTION 22

(c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de), (2di), (2dj), (2dL), (2dr), (2ds), (2dx) and (3s), and (9t); and plus or minus, as appropriate, transitional adjustments, depreciation differences and basis differences under s. 71.05 (13), (15), (16), (17) and (19); but excluding income, gain, loss and deductions from farming. "Net business income", with respect to a natural person, estate or trust, means profit from a trade or business for federal income tax purposes and includes net income derived as an employee as defined in section 3121

~~(d) (3) of the Internal Revenue Code.~~

SECTION 28. Chapter 247 of the statutes is created to read:

CHAPTER 247

WISCONSIN ARTISTIC

ENDOWMENT FOUNDATION

247.02 Definition. In this chapter, "foundation" means the Wisconsin Artistic Endowment Foundation.

247.03 Creation and organization. (1) There is created a public body corporate and politic, to be known as the "Wisconsin Artistic Endowment Foundation." The foundation shall be a nonprofit corporation organized under ch. 181 so that contributions to it are deductible from adjusted gross income under section 170 of the Internal Revenue Code.

(2) The board of directors of the foundation shall consist of the following persons:

(a) Eight nominees of the governor, who are residents of this state, represent the diverse artistic interests of the people of this state, and represent each of the geographic regions of the state, appointed for 7-year terms with the advice and consent of the senate. At least one of the nominees shall be knowledgeable in

SENATE BILL 164

1 marketing and fund raising. Each member appointed under this paragraph may
2 hold office until a successor is appointed.

3 (b) The chairperson of the arts board or the chairperson's designee.

4 (c) The executive secretary of the arts board as a nonvoting member.

5 (d) Two representatives to the assembly, one appointed by the speaker of the
6 assembly and one appointed by the minority leader of the assembly.

7 (e) Two senators, one appointed by the majority leader of the senate and one
8 appointed by the minority leader of the senate.

9 (3) The board of directors holds the powers of the foundation. The members
10 of the board of directors shall annually elect a chairperson and may elect other
11 officers as they consider appropriate. Seven voting members of the board of directors
12 constitute a quorum for the purpose of conducting the business and exercising the
13 powers of the foundation, notwithstanding the existence of any vacancy. The board
14 of directors may take action upon a vote of a majority of the voting members present,
15 unless the bylaws of the foundation require a larger number.

16 (4) No member of the board of directors may receive compensation for
17 performing his or her duties. Each member shall be reimbursed for actual and
18 necessary expenses, including travel expenses, incurred in performing those duties.

19 **247.05 General powers and duties.** (1) Except as otherwise provided in this
20 chapter, the foundation has all of the powers necessary and convenient to carry out
21 its duties under sub. (2) and s. 247.06, including the power to do all of the following:

22 (a) Make, amend, and repeal bylaws for the conduct of its affairs.

23 (b) Adopt a seal and alter that seal.

24 (c) Sue and be sued.

25 (d) Maintain an office.

SENATE BILL 164

- 1 (e) Solicit and accept donations of money, property, and art objects.
- 2 (f) Execute contracts and other instruments.
- 3 (g) Employ legal, financial, technical, or other experts and any other necessary
- 4 employees, and fix their qualifications, duties, and compensation.
- 5 (h) Establish arts programs with the advice of the arts board and statewide arts
- 6 organizations.
- 7 (i) Convert any noncash gift, grant, bequest, or other contribution to the
- 8 foundation to cash.
- 9 (2) The foundation shall do all of the following:
- 10 (a) In carrying out its responsibilities under this chapter, ensure to the greatest
- 11 extent possible the equitable distribution of funds and other support among all of the
- 12 following:
- 13 1. The various geographic regions of the state.
- 14 2. Urban, suburban, and rural areas of the state.
- 15 3. The various ethnic, racial, and cultural groups of the state.
- 16 (b) Appoint a licensed appraiser to evaluate each donated art object to establish
- 17 the current value of, potential appreciation of, degree of risk in holding, and
- 18 recommended timing for sale of, the art object.
- 19 (c) Adopt bylaws for accepting restricted donations.
- 20 (d) Annually submit to the governor and to the presiding officer of each house
- 21 of the legislature an audited financial statement of the operations of the foundation,
- 22 prepared in accordance with generally accepted accounting principles.
- 23 (e) Contract for all education and marketing activities.
- 24 (f) Deposit in the state treasury all cash, gifts, grants, bequests, or other
- 25 contributions made to the foundation, and all noncash gifts, grants, bequests, or

SENATE BILL 164

1 other contributions made to the foundation that have been converted to cash under sub. (1) (i). *stet*

2
3 (g) Biennially review the foundation's priorities for expenditures under s.
4 247.06 (1) (b) and report those priorities to the presiding officer of each house of the
5 legislature.

6 **247.06 Support of arts programs.** (1) (a) The foundation may distribute
7 moneys appropriated under s. 20.220 (1) (r) to the arts board for programs that
8 provide operating support to arts organizations and for the Wisconsin regranting
9 program under s. 44.62.

10 (b) The foundation may distribute moneys appropriated under s. 20.220 (1) (r)
11 to an arts program established under s. 247.05 (1) (h) if the program is reviewed
12 biennially by the foundation with the advice of the arts board and statewide arts
13 organizations. To the extent possible, the programs funded under this paragraph
14 shall use existing arts board mechanisms and staff for administering and
15 distributing the moneys.

16 (2) (a) Of the total amount distributed by the foundation under sub. (1) in any
17 fiscal year that constitutes earnings on unrestricted donations, the foundation shall
18 distribute at least 50% to the arts board under sub. (1) (a).

19 (b) The foundation may not distribute moneys to the arts board under sub. (1)
20 (a) in any fiscal year in which the foundation determines that the amount of general
21 purpose revenue appropriated to the arts board under s. 20.215 is less than the
22 amount appropriated in the previous fiscal year.

23 **247.07 Dissolution.** The foundation may not dissolve and wind up its affairs
24 unless the legislature enacts a law ordering dissolution. *''*

25 ~~SECTION 24. Nonstatutory provisions.~~ *encl INSC*
ENSC

SENATE BILL 164

SECTION 24

INS ~~to~~ H

(1) (Notwithstanding section 247.03 (2) (a) of the statutes, as created by this act, 2 of the initial members of the board of directors of the Wisconsin Artistic Endowment Foundation shall be appointed for 2-year terms; 2 of the initial members shall be appointed for 4-year terms; and 2 of the initial members shall be appointed for 6-year terms.)

SECTION 25. Initial applicability.

(1) The treatment of section 71.26 (1) (b) of the statutes first applies to taxable years beginning on January 1 of the year in which this subsection takes effect.

(END)

E+S

INITIAL TERMS of Wisconsin Artistic Endowment
Foundation members.

SENATE BILL 165

SECTION 1

~~SECTION 1 25.14 (1) (a) 15. of the statutes is created to read:~~

~~25.14 (1) (a) 15 The artistic endowment fund~~

~~SECTION 2. 25.17 (1) (ak) of the statutes is created to read:~~

~~25.17 (1) (ak) Artistic endowment fund (s. 25.17)~~

" SECTION ~~3~~^{22. ✓} 25.40 (1) (a) ~~22~~^{22.} of the statutes is created to read:

INS D-1

22d. 25.40 (1) (a) ~~22~~^{22.} Moneys received under s. 341.14 (6r) (b) 9. that are deposited
in the artistic endowment fund. "

~~SECTION 4 25.17 of the statutes is created to read:~~

~~25.17 Artistic endowment fund. There is established a separate nonlapsible
trust fund designated as the artistic endowment fund, to consist of all of the
following~~

~~(1) All gifts, grants, bequests, or other contributions made to the artistic
endowment fund~~

~~(2) Moneys received under s. 341.14 (6r) (b) 9.~~

SECTION 5. 341.14 (6r) (b) 3. of the statutes is amended to read:

341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or
reissuance of a plate issued on an annual basis for a special group specified under
par. (f) 35. to 47., 53., 54. ~~or~~ 55., or 56. or designated by the department under par.
(fm). An additional fee of \$15 shall be charged for the issuance or reissuance of a plate
issued on a biennial basis for a special group specified under par. (f) 35. to 47., 53.,
54. ~~or~~ 55., or 56. or designated by the department under par. (fm) if the plate is issued
during the first year of the biennial registration period or \$15 for the issuance or
reissuance if the plate is issued during the 2nd year of the biennial registration
period. The department shall deposit in the general fund and credit to the
appropriation account under s. 20.395 (5) (cj) all fees collected under this subdivision

Insert G-1

Section ~~341.14~~ ^{3401x.} (6r) (b) 3. of the statutes is amended to read:

341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued on an annual basis for a special group specified under par. (f) 35. to 47., 53., 54. ~~or 55.~~ or designated by the department under par. (fm). An additional fee of \$15 shall be charged for the issuance or reissuance of a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47., 53., 54. ~~or 55.~~ or designated by the department under par. (fm) if the plate is issued during the first year of the biennial registration period or \$15 for the issuance or reissuance if the plate is issued during the 2nd year of the biennial registration period. The department shall deposit in the general fund and credit to the appropriation account under s. 20.395 (5) (cj) all fees collected under this subdivision for the issuance or reissuance of a plate for a special group designated by the department under par. (fm).

History: 1971 c. 164 s. 83; 1971 c. 299; 1975 c. 384, 417; 1977 c. 16; 1977 c. 29 ss. 1417, 1418, 1654 (7) (a), (e); 1977 c. 43, 183, 292, 418, 447; 1979 c. 236; 1981 c. 255; 1983 a. 227, 430, 511; 1985 a. 29, 55; 1985 a. 87 ss. 1, 5; 1985 a. 124, 202; 1985 a. 332 ss. 191, 251 (4); 1987 a. 19, 64, 112, 145, 315, 399, 403; 1989 a. 31, 54, 56, 137, 302, 304, 312, 359; 1991 a. 2, 39, 100, 240; 1993 a. 16, 291, 303, 415, 491; 1995 a. 147, 253, 255, 445; 1997 a. 27, 67, 252, 255; 1999 a. 9, 32, 80, 92, 167, 186; s. 13.93 (2) (c).

55., or 56.

~~for the issuance or reissuance of a plate for a special group designated by the~~
~~department under par. (f) 56.~~ 3406d.

SECTION 4. 341.14 (6r) (b) 9. of the statutes is created to read:

341.14 (6r) (b) 9. An additional fee of \$20 that is in addition to the fee under subd. 3. shall be charged for the issuance or renewal of a plate issued on an annual basis for the special group specified under par. (f) 56. An additional fee of \$40 that is in addition to the fee under subd. 3. shall be charged for the issuance or renewal of a plate issued on a biennial basis for the special group specified under par. (f) 56., if the plate is issued or renewed during the first year of the biennial registration period or \$20 for the issuance or renewal if the plate is issued or renewed during the 2nd year of the biennial registration period. All moneys received under this subdivision in excess of the initial costs of production of the special group plate under par. (f) 56. or \$196,700, whichever is less, shall be deposited in the artistic endowment fund under s. 25.7⁸. To the extent permitted under ch. 71, the fee under this subdivision is deductible as a charitable contribution for purposes of the taxes under ch. 71. 3406e.

SECTION 4. 341.14 (6r) (c) of the statutes is amended to read:

341.14 (6r) (c) Special group plates shall display the word "Wisconsin," the name of the applicable authorized special group, a symbol representing the special group, not exceeding one position, and identifying letters or numbers or both, not exceeding 6 positions and not less than one position. The department shall specify the design for special group plates, but the department shall consult the president of the University of Wisconsin System before specifying the word or symbol used to identify the special groups under par. (f) 35. to 47., the secretary of natural resources before specifying the word or symbol used to identify for the special group under par.

~~SENATE BILL 165~~ INS 6-2 (page 2 of 2)

(f) 50. and, the chief executive officer of the professional football team and an authorized representative of the league of professional football teams described in s. 229.823 to which that team belongs before specifying the design for the applicable special group plate under par. (f) 55., and the executive secretary of the arts board before specifying the word or symbol used to identify the special group under par. (f) 56. Special group plates under par. (f) 50. shall be as similar as possible to regular registration plates in color and design. 3406f.

SECTION ~~341.14~~ (6r) (f) 56. of the statutes is created to read:

341.14 (6r) (f) 56. Persons interested in expressing their support of the arts.

3406g SECTION ~~341.14~~ (6r) (fm) 7. of the statutes is amended to read:

341.14 (6r) (fm) 7. ~~Except for the authorized special group enumerated under par. (f) 55.,~~ after After October 1, 1998, additional authorized special groups may only be special groups designated by the department under this paragraph. The authorized special groups enumerated in par. (f) shall be limited solely to those special groups specified under par. (f) on October 1, 1998, ~~except for the authorized special group enumerated under par. (f) 55.~~ This subdivision does not apply to the special group groups specified under par. (f) 54., 55., and 56. ''.

~~END~~
(end of insert)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

60690/1
LRB-2002/P2dn
PG&MJL: ~~hmg~~ if
hnh

Date
April 9, 2001

John Stott:

this amendment

1. Because this ~~bill draft~~ ^{amendment} creates a corporation by "special act" (outside of chapters 180 and 181), it is subject to constitutional challenge under article XI, section 1, of the Wisconsin Constitution which prohibits the creation of corporations by special act, and under article IV, section 31 (7), of the Wisconsin Constitution which prohibits the legislature from enacting any special or private laws granting corporate powers or privileges, except to cities. These provisions limit the ability of the legislature to create corporations that have characteristics that differ from the characteristics of corporations incorporated under "general law" (chapters 180 and 181).

We ^{assume} understand that ~~the committee's~~ ^{the} intention in creating a private corporation with tax-exempt status under the Internal Revenue Code ~~was~~ ^{is} two-fold: 1) to ensure that donations to the corporation ~~were~~ ^{are} tax deductible under federal law; and 2) to increase the number of contributions because people might be more willing to donate to a private corporation, as opposed to a state agency or an authority. However, because contributions to governmental units for a public purpose are tax deductible under section 170 (a) (1) of the Internal Revenue Code, contributions made directly to the artistic endowment fund created by the ~~bill draft~~ ^{is} would be tax deductible for federal purposes, thus obviating the need to create a corporation with tax-exempt status.

There is one other problem with the creation of a private ^{JFL motion} corporation by statute. Although the ~~bill draft~~ ^{corporation} states that a ~~body corporate and politic~~ ^{motion}, known as the Wisconsin Artistic Endowment Foundation, is created, the ~~bill draft~~ ^{motion} also requires the body to be organized (i.e., created) as a nonprofit corporation under ch. 181 of the Wisconsin Statutes. If the statute in fact creates the corporation, it is not clear how it can be created again. Conversely, if the corporation must be created under ch. 181, it is not clear how the statute can create it again. And finally, note that the ~~bill draft~~ ^{motion} does not specify who is responsible for organizing the corporation.

If the ^{joint finance} committee, nonetheless, wishes to create a corporation ^{amendment} to which donations would be made, we propose simply eliminating from the ~~bill draft~~ the sentence "There is created a public body corporate and politic, to be known as the "Wisconsin Artistic Endowment Foundation."" and instead directing the arts board or some other public entity to incorporate a corporation under chapter 181 that qualifies for tax-exempt status (in keeping with the committee's draft, which states that the foundation "shall be a nonprofit corporation organized under ch. 181 so that contributions to it are deductible ... under section 170 of the Internal Revenue Code)." In addition, we propose

making the corporation's receipt of state moneys (the earnings of the artistic endowment fund) contingent upon the corporation's carrying out its duties under ss. 247.05 and 247.06. We think that these minor changes would carry out the committee's intent, address the concerns that we raise in the paragraph above, and make the foundation less vulnerable to constitutional challenge as a "special corporation." See *State ex rel. Thomson v. Giesel*, 267 Wis. 331, 65 N.W.2d 529 (1954) (holding that the incorporation of the Wisconsin State Public Building Corporation did not violate article IV, section 31 (7) of the Wisconsin Constitution because it was incorporated under the general corporation statutes and was vested with no special powers).

Please let us know if you would like us to make these changes or if you have any questions.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380

2. Note that the motion does not include an appropriation for the foundation's start-up costs (as did LRB-2092/2). Do you want such an appropriation?
3. The motion also differs from LRB-2092/2 in that it does not require the foundation to deposit gifts in the state treasury. ~~Was this at government~~
Accordingly, ~~we~~ ^{we} deleted that requirement from the amendment.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0690/1dn
PG&MJL:hmh:rs

June 8, 2001

John Stott:

1. Because this amendment creates a corporation by "special act" (outside of chapters 180 and 181), it is subject to constitutional challenge under article XI, section 1, of the Wisconsin Constitution which prohibits the creation of corporations by special act, and under article IV, section 31 (7), of the Wisconsin Constitution which prohibits the legislature from enacting any special or private laws granting corporate powers or privileges, except to cities. These provisions limit the ability of the legislature to create corporations that have characteristics that differ from the characteristics of corporations incorporated under "general law" (chapters 180 and 181).

We assume that the intention in creating a private corporation with tax-exempt status under the Internal Revenue Code is two-fold: 1) to ensure that donations to the corporation are tax deductible under federal law; and 2) to increase the number of contributions because people might be more willing to donate to a private corporation, as opposed to a state agency or an authority. However, because contributions to governmental units for a public purpose are tax deductible under section 170 (a) (1) of the Internal Revenue Code, contributions made directly to the artistic endowment fund created by this amendment would be tax deductible for federal purposes, thus obviating the need to create a corporation with tax-exempt status.

There is one other problem with the creation of a private corporation by statute. Although the JFC motion states that a corporation known as the Wisconsin Artistic Endowment Foundation is created, the motion also requires the body to be organized (i.e., created) as a nonprofit corporation under ch. 181 of the Wisconsin Statutes. If the statute in fact creates the corporation, it is not clear how it can be created again. Conversely, if the corporation must be created under ch. 181, it is not clear how the statute can create it again. And finally, note that the motion does not specify who is responsible for organizing the corporation.

If the joint finance committee, nonetheless, wishes to create a corporation to which donations would be made, we propose simply eliminating from the amendment the sentence "There is created a public body corporate and politic, to be known as the "Wisconsin Artistic Endowment Foundation."" and instead directing the arts board or some other public entity to incorporate a corporation under chapter 181 that qualifies for tax-exempt status (in keeping with the committee's draft, which states that the

foundation "shall be a nonprofit corporation organized under ch. 181 so that contributions to it are deductible ... under section 170 of the Internal Revenue Code)." In addition, we propose making the corporation's receipt of state moneys (the earnings of the artistic endowment fund) contingent upon the corporation's carrying out its duties under ss. 247.05 and 247.06. We think that these minor changes would carry out the committee's intent, address the concerns that we raise in the paragraph above, and make the foundation less vulnerable to constitutional challenge as a "special corporation." See *State ex rel. Thomson v. Giesel*, 267 Wis. 331, 65 N.W.2d 529 (1954) (holding that the incorporation of the Wisconsin State Public Building Corporation did not violate article IV, section 31 (7) of the Wisconsin Constitution because it was incorporated under the general corporation statutes and was vested with no special powers).

2. Note that the motion does not include an appropriation for the foundation's start-up costs (as did LRB-2092/2). Do you want such an appropriation?

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.state.wi.us

Madelon J. Lief
Legislative Attorney
Phone: (608) 267-7380



State of Wisconsin
2001 - 2002 LEGISLATURE

2 (Redraft
LRBb0690/A makes
MJL/PG/TNF:hml:rs has been
run)
E King

WANTED SOON
turned in 6/9

LFB:.....Stott - Creation of artistic endowment foundation and arts board
license plate Wisconsin OK ✓

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 1. Page 487, line 6: after that line insert:

3 "SECTION 465m. 20.215 (1) (j) of the statutes is created to read:

4 20.215 (1) (j) *Support of arts programs.* All moneys received from the Wisconsin
5 Artistic Endowment Foundation under s. 247.06 (1) (a) for operating support of arts
6 organizations and for grants under the Wisconsin regranting program under s.
7 44.62."

8 2. Page 487, line 21: after that line insert:

9 "SECTION 467m. 20.220 of the statutes is created to read:

1 **20.220 Wisconsin Artistic Endowment Foundation.** There is
2 appropriated to the Wisconsin Artistic Endowment Foundation for the following
3 programs:

4 (1) **SUPPORT OF THE ARTS.** (a) *Education and marketing.* As a continuing
5 appropriation, the amounts in the schedule for public education and marketing
6 relating to the Wisconsin artistic endowment fund.

7 (q) *General program operations.* From the artistic endowment fund, the
8 amounts in the schedule for general program operations of the foundation.

9 (r) *Support of the arts.* From the artistic endowment fund, as a continuing
10 appropriation, all moneys received as interest and earnings of the artistic
11 endowment fund, less the amounts appropriated in par. (q), for support of the arts
12 under s. 247.06.”.

13 **3.** Page 640, line 9: after that line insert:

14 “**SECTION 1102m.** 25.14 (1) (a) 16. of the statutes is created to read:

15 25.14 (1) (a) 16. The artistic endowment fund.”.

16 **4.** Page 640, line 15: after that line insert:

17 “**SECTION 1104m.** 25.17 (1) (ak) of the statutes is created to read:

18 25.17 (1) (ak) Artistic endowment fund (s. 25.78);”.

19 **5.** Page 644, line 14: after that line insert:

20 “**SECTION 1122d.** 25.40 (1) (a) 22. of the statutes is created to read:

21 25.40 (1) (a) 22. Moneys received under s. 341.14 (6r) (b) 9. that are deposited
22 in the artistic endowment fund.”.

23 **6.** Page 648, line 23: after that line insert:

24 “**SECTION 1143m.** 25.78 of the statutes is created to read:

25.78 Artistic endowment fund. (1) There is established a separate nonlapsible trust fund designated as the artistic endowment fund, to consist of all of the following:

(a) All gifts, grants, bequests, or other contributions made to the artistic endowment fund.

(b) All gifts, grants, bequests, or other contributions made to the Wisconsin Artistic Endowment Foundation and described under s. 247.05 (2) (f).

(c) All moneys received under s. 341.14 (6r) (b) 9.

(2) Notwithstanding sub. (1), only 50% of the first \$300,000 of any gifts, grants, bequests, or other contributions received under sub. (1) shall be deposited in the artistic endowment fund.”.

7. Page 718, line 11: after that line insert:

“SECTION 1414m. 44.62 (2) of the statutes is amended to read:

44.62 (2) Subject to sub. (3), the board shall award grants under the Wisconsin regranting program to local arts agencies and municipalities. Grants shall be awarded from the ~~appropriation~~ appropriations under s. 20.215 (1) (f) and (j).".

8. Page 1437, line 24: after that line insert:

"SECTION 3128m. Chapter 247 of the statutes is created to read:

CHAPTER 247

WISCONSIN ARTISTIC

ENDOWMENT FOUNDATION

247.02 Definition. In this chapter, “foundation” means the Wisconsin Artistic Endowment Foundation.

1 **247.03 Creation and organization.** (1) There is created a public body
2 corporate and politic, to be known as the “Wisconsin Artistic Endowment
3 Foundation.” The foundation shall be a nonprofit corporation organized under ch.
4 181 so that contributions to it are deductible from adjusted gross income under
5 section 170 of the Internal Revenue Code.

6 (2) The board of directors of the foundation shall consist of the following
7 persons:

8 (a) Eight nominees of the governor, who are residents of this state, represent
9 the diverse artistic interests of the people of this state, and represent each of the
10 geographic regions of the state, appointed for 7-year terms with the advice and
11 consent of the senate. At least one of the nominees shall be knowledgeable in
12 marketing and fund raising. Each member appointed under this paragraph may
13 hold office until a successor is appointed.

14 (b) The chairperson of the arts board or the chairperson’s designee.

15 (c) The executive secretary of the arts board as a nonvoting member.

16 (d) Two representatives to the assembly, one appointed by the speaker of the
17 assembly and one appointed by the minority leader of the assembly.

18 (e) Two senators, one appointed by the majority leader of the senate and one
19 appointed by the minority leader of the senate.

20 (3) The board of directors holds the powers of the foundation. The members
21 of the board of directors shall annually elect a chairperson and may elect other
22 officers as they consider appropriate. Seven voting members of the board of directors
23 constitute a quorum for the purpose of conducting the business and exercising the
24 powers of the foundation, notwithstanding the existence of any vacancy. The board

1 of directors may take action upon a vote of a majority of the voting members present,
2 unless the bylaws of the foundation require a larger number.

3 (4) No member of the board of directors may receive compensation for
4 performing his or her duties. Each member shall be reimbursed for actual and
5 necessary expenses, including travel expenses, incurred in performing those duties.

6 **247.05 General powers and duties.** (1) Except as otherwise provided in this
7 chapter, the foundation has all of the powers necessary and convenient to carry out
8 its duties under sub. (2) and s. 247.06, including the power to do all of the following:

9 (a) Make, amend, and repeal bylaws for the conduct of its affairs.

10 (b) Adopt a seal and alter that seal.

11 (c) Sue and be sued.

12 (d) Maintain an office.

13 (e) Solicit and accept donations of money, property, and art objects.

14 (f) Execute contracts and other instruments.

15 (g) Employ legal, financial, technical, or other experts and any other necessary
16 employees, and fix their qualifications, duties, and compensation.

17 (h) Establish arts programs with the advice of the arts board and statewide arts
18 organizations.

19 (i) Convert any noncash gift, grant, bequest, or other contribution to the
20 foundation to cash.

21 (2) The foundation shall do all of the following:

22 (a) In carrying out its responsibilities under this chapter, ensure to the greatest
23 extent possible the equitable distribution of funds and other support among all of the
24 following:

25 1. The various geographic regions of the state.

1 2. Urban, suburban, and rural areas of the state.

2 3. The various ethnic, racial, and cultural groups of the state.

3 (b) Appoint a licensed appraiser to evaluate each donated art object to establish
4 the current value of, potential appreciation of, degree of risk in holding, and
5 recommended timing for sale of, the art object.

6 (c) Adopt bylaws for accepting restricted donations.

7 (d) Annually submit to the governor and to the presiding officer of each house
8 of the legislature an audited financial statement of the operations of the foundation,
9 prepared in accordance with generally accepted accounting principles.

10 (e) Contract for all education and marketing activities.

11 (f) Deposit in the state treasury all cash, gifts, grants, bequests, or other
12 contributions made to the foundation, and all noncash gifts, grants, bequests, or
13 other contributions made to the foundation that have been converted to cash under
14 sub. (1) (i).

15 (g) Biennially review the foundation's priorities for expenditures under s.
16 247.06 (1) (b) and report those priorities to the presiding officer of each house of the
17 legislature.

18 **247.06 Support of arts programs.** (1) (a) The foundation may distribute
19 moneys appropriated under s. 20.220 (1) (r) to the arts board for programs that
20 provide operating support to arts organizations and for the Wisconsin regranting
21 program under s. 44.62.

22 (h) The foundation may distribute moneys appropriated under s. 20.220 (1) (r)
23 to an arts program established under s. 247.05 (1) (h) if the program is reviewed
24 biennially by the foundation with the advice of the arts board and statewide arts
25 organizations. To the extent possible, the programs funded under this paragraph

1 shall use existing arts board mechanisms and staff for administering and
2 distributing the moneys.

3 (2) (a) Of the total amount distributed by the foundation under sub. (1) in any
4 fiscal year that constitutes earnings on unrestricted donations, the foundation shall
5 distribute at least 50% to the arts board under sub. (1) (a).

6 (b) The foundation may not distribute moneys to the arts board under sub. (1)
7 (a) in any fiscal year in which the foundation determines that the amount of general
8 purpose revenue appropriated to the arts board under s. 20.215 is less than the
9 amount appropriated in the previous fiscal year.

10 **247.07 Dissolution.** The foundation may not dissolve and wind up its affairs
11 unless the legislature enacts a law ordering dissolution.”

12 **9.** Page 1535, line 5: on lines 5, 6 and 14, delete “or 55.” and substitute “55.,
13 or 56.”.

14 **10.** Page 1536, line 5: delete “or 55.” and substitute “55., or 56.”.

15 **11.** Page 1538, line 14: after that line insert:

16 “**SECTION 3401x.** 341.14 (6r) (b) 3. of the statutes is amended to read:

17 341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or
18 reissuance of a plate issued on an annual basis for a special group specified under
19 par. (f) 35. to 47., 53., 54. ~~or 55.,~~ 55., or 56. or designated by the department under
20 par. (fm). An additional fee of \$15 shall be charged for the issuance or reissuance of
21 a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47.,
22 53., 54. ~~or 55.,~~ 55., or 56. or designated by the department under par. (fm) if the plate
23 is issued during the first year of the biennial registration period or \$15 for the
24 issuance or reissuance if the plate is issued during the 2nd year of the biennial

1 registration period. The department shall deposit in the general fund and credit to
2 the appropriation account under s. 20.395 (5) (cj) all fees collected under this
3 subdivision for the issuance or reissuance of a plate for a special group designated
4 by the department under par. (fm).”.

5 **12.** Page 1538, line 15: after “statutes” insert “, as affected by 2001 Wisconsin
6 Act (this act),”.

7 **13.** Page 1538, line 18: on lines 18 and 20, delete “, or 55.” and substitute “,
8 55., or 56.”.

9 **14.** Page 1541, line 4: after that line insert:

10 **“SECTION 3406d.** 341.14 (6r) (b) 9. of the statutes is created to read:

11 341.14 (6r) (b) 9. An additional fee of \$20 that is in addition to the fee under
12 subd. 3. shall be charged for the issuance or renewal of a plate issued on an annual
13 basis for the special group specified under par. (f) 56. An additional fee of \$40 that
14 is in addition to the fee under subd. 3. shall be charged for the issuance or renewal
15 of a plate issued on a biennial basis for the special group specified under par. (f) 56.,
16 if the plate is issued or renewed during the first year of the biennial registration
17 period or \$20 for the issuance or renewal if the plate is issued or renewed during the
18 2nd year of the biennial registration period. All moneys received under this
19 subdivision in excess of the initial costs of production of the special group plate under
20 par. (f) 56. or \$196,700, whichever is less, shall be deposited in the artistic
21 endowment fund under s. 25.78. To the extent permitted under ch. 71, the fee under
22 this subdivision is deductible as a charitable contribution for purposes of the taxes
23 under ch. 71.

24 **SECTION 3406e.** 341.14 (6r) (c) of the statutes is amended to read:

Insert 8-23✓

plain
outside
the
quote

① 341.14 (6r) (c) Special group plates shall display the word "Wisconsin" the
2 name of the applicable authorized special group, a symbol representing the special
3 group, not exceeding one position, and identifying letters or numbers or both, not
4 exceeding 6 positions and not less than one position. The department shall specify
5 the design for special group plates, but the department shall consult the president
6 of the University of Wisconsin System before specifying the word or symbol used to
7 identify the special groups under par. (f) 35. to 47., the secretary of natural resources
8 before specifying the word or symbol used to identify for the special group under par.
9 (f) 50. and, the chief executive officer of the professional football team and an
10 authorized representative of the league of professional football teams described in
11 s. 229.823 to which that team belongs before specifying the design for the applicable
12 special group plate under par. (f) 55., and the executive secretary of the arts board
13 before specifying the word or symbol used to identify the special group under par. (f)
14 56. Special group plates under par. (f) 50. shall be as similar as possible to regular
15 registration plates in color and design.

16 **SECTION 3406f.** 341.14 (6r) (f) 56. of the statutes is created to read:

17 341.14 (6r) (f) 56. Persons interested in expressing their support of the arts.

18 **SECTION 3406g.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

19 341.14 (6r) (fm) 7. ~~Except for the authorized special group enumerated under~~
20 ~~par. (f) 55., after~~ After October 1, 1998, additional authorized special groups may
21 only be special groups designated by the department under this paragraph. The
22 authorized special groups enumerated in par. (f) shall be limited solely to those
23 special groups specified under par. (f) on October 1, 1998, ~~except for the authorized~~
24 ~~special group enumerated under par. (f) 55.~~ This subdivision does not apply to the
25 special ~~group~~ groups specified under par. (f) 54., 55., and 56."

15. Page 1739, line 7: after that line insert:

“(1h) INITIAL TERMS OF WISCONSIN ARTISTIC ENDOWMENT FOUNDATION MEMBERS.

Notwithstanding section 247.03 (2) (a) of the statutes, as created by this act, 2 of the initial members of the board of directors of the Wisconsin Artistic Endowment Foundation shall be appointed for 2-year terms; 2 of the initial members shall be appointed for 4-year terms; and 2 of the initial members shall be appointed for 6-year terms.”.

✓ **16.** Page 1825, line 8: after "3" insert "(by Section 3402)"

(END)

delete "3., 4., 6., 7., and 8. (intro.)" and
 substitute "3. (by ^{CS}SECTION 3402), 4., 6., 7.,
 8. (intro.), and 9. (by ^{CS}SECTION 3406dm)".

Insert 8-23 ✓

1 ~~registration period. The department shall deposit in the general fund and credit to~~
 2 ~~the appropriation account under s. 20.395 (5) (ej) all fees collected under this~~
 3 ~~subdivision for the issuance or reissuance of a plate for a special group designated~~
 4 ~~by the department under par. (fm).~~

5 ~~12. Page 1538, line 15: after "statutes" insert ", as affected by 2001 Wisconsin~~
 6 ~~Act (this act)."~~

7 ~~13. Page 1538, line 18 on lines 18 and 20, delete ", or 55." and substitute~~

8 ~~3406dm.~~

3406dm.

9 ~~14. Page 1541, line 4, after that line insert~~

, as created by 2001
Wisconsin Act... (this
act), is amended

10 ~~SECTION 3406e~~ 341.14 (6r) (b) 9. of the statutes ~~is amended~~ to read:

11 2. 341.14 (6r) (b) 9. An additional fee of \$20 that is in addition to the fee under
 12 subd. 3 shall be charged for the issuance or renewal of a plate issued on an annual
 13 basis for the special group specified under par. (f) 56. An additional fee of \$40 that
 14 is in addition to the fee under subd. 3 shall be charged for the issuance or renewal
 15 of a plate issued on a biennial basis for the special group specified under par. (f) 56.,
 16 if the plate is issued or renewed during the first year of the biennial registration
 17 period or \$20 for the issuance or renewal if the plate is issued or renewed during the
 18 2nd year of the biennial registration period. All moneys received under this
 19 subdivision in excess of the initial costs of production of the special group plate under
 20 par. (f) 56. or \$196,700, whichever is less, shall be deposited in the artistic
 21 endowment fund under s. 25.78. To the extent permitted under ch. 71, the fee under
 22 this subdivision is deductible as a charitable contribution for purposes of the taxes
 23 under ch. 71.

24 ~~SECTION 3406e~~ 341.14 (6r) (c) of the statutes is amended to read:

Fix
comp
2001

LFB:.....Stott – Creation of Wisconsin Artistic Endowment Foundation and
arts board license plate

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 487, line 6: after that line insert:

3 “**SECTION 465m.** 20.215 (1) (j) of the statutes is created to read:

4 20.215 (1) (j) *Support of arts programs.* All moneys received from the Wisconsin
5 Artistic Endowment Foundation under s. 247.06 (1) (a) for operating support of arts
6 organizations and for grants under the Wisconsin regranting program under s.
7 44.62.”.

8 **2.** Page 487, line 21: after that line insert:

9 “**SECTION 467m.** 20.220 of the statutes is created to read:

1 **20.220 Wisconsin Artistic Endowment Foundation.** There is
2 appropriated to the Wisconsin Artistic Endowment Foundation for the following
3 programs:

4 (1) SUPPORT OF THE ARTS. (a) *Education and marketing.* As a continuing
5 appropriation, the amounts in the schedule for public education and marketing
6 relating to the Wisconsin artistic endowment fund.

7 (q) *General program operations.* From the artistic endowment fund, the
8 amounts in the schedule for general program operations of the foundation.

9 (r) *Support of the arts.* From the artistic endowment fund, as a continuing
10 appropriation, all moneys received as interest and earnings of the artistic
11 endowment fund, less the amounts appropriated in par. (q), for support of the arts
12 under s. 247.06.”

13 **3.** Page 640, line 9: after that line insert:

14 “**SECTION 1102m.** 25.14 (1) (a) 16. of the statutes is created to read:

15 25.14 (1) (a) 16. The artistic endowment fund.”

16 **4.** Page 640, line 15: after that line insert:

17 “**SECTION 1104m.** 25.17 (1) (ak) of the statutes is created to read:

18 25.17 (1) (ak) Artistic endowment fund (s. 25.78);”.

19 **5.** Page 644, line 14: after that line insert:

20 “**SECTION 1122d.** 25.40 (1) (a) 22. of the statutes is created to read:

21 25.40 (1) (a) 22. Moneys received under s. 341.14 (6r) (b) 9. that are deposited
22 in the artistic endowment fund.”

23 **6.** Page 648, line 23: after that line insert:

24 “**SECTION 1143m.** 25.78 of the statutes is created to read:

25.78 Artistic endowment fund. (1) There is established a separate nonlapsible trust fund designated as the artistic endowment fund, to consist of all of the following:

(a) All gifts, grants, bequests, or other contributions made to the artistic endowment fund.

(b) All gifts, grants, bequests, or other contributions made to the Wisconsin Artistic Endowment Foundation and described under s. 247.05 (2) (f).

(c) All moneys received under s. 341.14 (6r) (b) 9.

(2) Notwithstanding sub. (1), only 50% of the first \$300,000 of any gifts, grants, bequests, or other contributions received under sub. (1) shall be deposited in the artistic endowment fund.”.

7. Page 718, line 11: after that line insert:

“SECTION 1414m. 44.62 (2) of the statutes is amended to read:

44.62 (2) Subject to sub. (3), the board shall award grants under the Wisconsin regranting program to local arts agencies and municipalities. Grants shall be awarded from the ~~appropriation~~ appropriations under s. 20.215 (1) (f) and (j).”.

8. Page 1437, line 24: after that line insert:

“SECTION 3128m. Chapter 247 of the statutes is created to read:

CHAPTER 247

WISCONSIN ARTISTIC

ENDOWMENT FOUNDATION

247.02 Definition. In this chapter, “foundation” means the Wisconsin Artistic Endowment Foundation.

1 **247.03 Creation and organization.** (1) There is created a public body
2 corporate and politic, to be known as the “Wisconsin Artistic Endowment
3 Foundation.” The foundation shall be a nonprofit corporation organized under ch.
4 181 so that contributions to it are deductible from adjusted gross income under
5 section 170 of the Internal Revenue Code.

6 (2) The board of directors of the foundation shall consist of the following
7 persons:

8 (a) Eight nominees of the governor, who are residents of this state, represent
9 the diverse artistic interests of the people of this state, and represent each of the
10 geographic regions of the state, appointed for 7-year terms with the advice and
11 consent of the senate. At least one of the nominees shall be knowledgeable in
12 marketing and fund raising. Each member appointed under this paragraph may
13 hold office until a successor is appointed.

14 (b) The chairperson of the arts board or the chairperson’s designee.

15 (c) The executive secretary of the arts board as a nonvoting member.

16 (d) Two representatives to the assembly, one appointed by the speaker of the
17 assembly and one appointed by the minority leader of the assembly.

18 (e) Two senators, one appointed by the majority leader of the senate and one
19 appointed by the minority leader of the senate.

20 (3) The board of directors holds the powers of the foundation. The members
21 of the board of directors shall annually elect a chairperson and may elect other
22 officers as they consider appropriate. Seven voting members of the board of directors
23 constitute a quorum for the purpose of conducting the business and exercising the
24 powers of the foundation, notwithstanding the existence of any vacancy. The board

1 of directors may take action upon a vote of a majority of the voting members present,
2 unless the bylaws of the foundation require a larger number.

3 (4) No member of the board of directors may receive compensation for
4 performing his or her duties. Each member shall be reimbursed for actual and
5 necessary expenses, including travel expenses, incurred in performing those duties.

6 **247.05 General powers and duties.** (1) Except as otherwise provided in this
7 chapter, the foundation has all of the powers necessary and convenient to carry out
8 its duties under sub. (2) and s. 247.06, including the power to do all of the following:

- 9 (a) Make, amend, and repeal bylaws for the conduct of its affairs.
10 (b) Adopt a seal and alter that seal.
11 (c) Sue and be sued.
12 (d) Maintain an office.
13 (e) Solicit and accept donations of money, property, and art objects.
14 (f) Execute contracts and other instruments.
15 (g) Employ legal, financial, technical, or other experts and any other necessary
16 employees, and fix their qualifications, duties, and compensation.
17 (h) Establish arts programs with the advice of the arts board and statewide arts
18 organizations.
19 (i) Convert any noncash gift, grant, bequest, or other contribution to the
20 foundation to cash.

21 (2) The foundation shall do all of the following:

22 (a) In carrying out its responsibilities under this chapter, ensure to the greatest
23 extent possible the equitable distribution of funds and other support among all of the
24 following:

- 25 1. The various geographic regions of the state.

1 2. Urban, suburban, and rural areas of the state.

2 3. The various ethnic, racial, and cultural groups of the state.

3 (b) Appoint a licensed appraiser to evaluate each donated art object to establish
4 the current value of, potential appreciation of, degree of risk in holding, and
5 recommended timing for sale of, the art object.

6 (c) Adopt bylaws for accepting restricted donations.

7 (d) Annually submit to the governor and to the presiding officer of each house
8 of the legislature an audited financial statement of the operations of the foundation,
9 prepared in accordance with generally accepted accounting principles.

10 (e) Contract for all education and marketing activities.

11 (f) Deposit in the state treasury all cash, gifts, grants, bequests, or other
12 contributions made to the foundation, and all noncash gifts, grants, bequests, or
13 other contributions made to the foundation that have been converted to cash under
14 sub. (1) (i).

15 (g) Biennially review the foundation's priorities for expenditures under s.
16 247.06 (1) (b) and report those priorities to the presiding officer of each house of the
17 legislature.

18 **247.06 Support of arts programs.** (1) (a) The foundation may distribute
19 moneys appropriated under s. 20.220 (1) (r) to the arts board for programs that
20 provide operating support to arts organizations and for the Wisconsin regranting
21 program under s. 44.62.

22 (b) The foundation may distribute moneys appropriated under s. 20.220 (1) (r)
23 to an arts program established under s. 247.05 (1) (h) if the program is reviewed
24 biennially by the foundation with the advice of the arts board and statewide arts
25 organizations. To the extent possible, the programs funded under this paragraph

1 shall use existing arts board mechanisms and staff for administering and
2 distributing the moneys.

3 (2) (a) Of the total amount distributed by the foundation under sub. (1) in any
4 fiscal year that constitutes earnings on unrestricted donations, the foundation shall
5 distribute at least 50% to the arts board under sub. (1) (a).

6 (b) The foundation may not distribute moneys to the arts board under sub. (1)
7 (a) in any fiscal year in which the foundation determines that the amount of general
8 purpose revenue appropriated to the arts board under s. 20.215 is less than the
9 amount appropriated in the previous fiscal year.

10 **247.07 Dissolution.** The foundation may not dissolve and wind up its affairs
11 unless the legislature enacts a law ordering dissolution.”.

12 **9.** Page 1535, line 5: on lines 5, 6 and 14, delete “or 55.” and substitute “55.,
13 or 56.”.

14 **10.** Page 1536, line 5: delete “or 55.” and substitute “55., or 56.”.

15 **11.** Page 1538, line 14: after that line insert:

16 “**SECTION 3401x.** 341.14 (6r) (b) 3. of the statutes is amended to read:

17 341.14 (6r) (b) 3. An additional fee of \$15 shall be charged for the issuance or
18 reissuance of a plate issued on an annual basis for a special group specified under
19 par. (f) 35. to 47., 53., 54. ~~or 55., 55., or 56.~~ or designated by the department under
20 par. (fm). An additional fee of \$15 shall be charged for the issuance or reissuance of
21 a plate issued on a biennial basis for a special group specified under par. (f) 35. to 47.,
22 53., 54. ~~or 55., 55., or 56.~~ or designated by the department under par. (fm) if the plate
23 is issued during the first year of the biennial registration period or \$15 for the
24 issuance or reissuance if the plate is issued during the 2nd year of the biennial

1 registration period. The department shall deposit in the general fund and credit to
2 the appropriation account under s. 20.395 (5) (c) all fees collected under this
3 subdivision for the issuance or reissuance of a plate for a special group designated
4 by the department under par. (f).”.

5 **12.** Page 1538, line 15: after “statutes” insert “, as affected by 2001 Wisconsin
6 Act (this act),”.

7 **13.** Page 1538, line 18: on lines 18 and 20, delete “~~, or 55.~~” and substitute “~~,~~
8 ~~55., or 56.~~”.

9 **14.** Page 1541, line 4: after that line insert:

10 **“SECTION 3406d.** 341.14 (6r) (b) 9. of the statutes is created to read:

11 341.14 (6r) (b) 9. An additional fee of \$20 that is in addition to the fee under
12 subd. 3. shall be charged for the issuance or renewal of a plate issued on an annual
13 basis for the special group specified under par. (f) 56. An additional fee of \$40 that
14 is in addition to the fee under subd. 3. shall be charged for the issuance or renewal
15 of a plate issued on a biennial basis for the special group specified under par. (f) 56.,
16 if the plate is issued or renewed during the first year of the biennial registration
17 period or \$20 for the issuance or renewal if the plate is issued or renewed during the
18 2nd year of the biennial registration period. All moneys received under this
19 subdivision in excess of the initial costs of production of the special group plate under
20 par. (f) 56. or \$196,700, whichever is less, shall be deposited in the artistic
21 endowment fund under s. 25.78. To the extent permitted under ch. 71, the fee under
22 this subdivision is deductible as a charitable contribution for purposes of the taxes
23 under ch. 71.

1 **SECTION 3406dm.** 341.14 (6r) (b) 9. of the statutes, as created by 2001
2 Wisconsin Act (this act), is amended to read:

3 341.14 (6r) (b) 9. An additional fee of \$20 that is in addition to the fee under
4 subd. ~~3.~~ 2. shall be charged for the issuance or renewal of a plate issued on an annual
5 basis for the special group specified under par. (f) 56. An additional fee of \$40 that
6 is in addition to the fee under subd. ~~3.~~ 2. shall be charged for the issuance or renewal
7 of a plate issued on a biennial basis for the special group specified under par. (f) 56.,
8 if the plate is issued or renewed during the first year of the biennial registration
9 period or \$20 for the issuance or renewal if the plate is issued or renewed during the
10 2nd year of the biennial registration period. All moneys received under this
11 subdivision in excess of the initial costs of production of the special group plate under
12 par. (f) 56. or \$196,700, whichever is less, shall be deposited in the artistic
13 endowment fund under s. 25.78. To the extent permitted under ch. 71, the fee under
14 this subdivision is deductible as a charitable contribution for purposes of the taxes
15 under ch. 71.

16 **SECTION 3406e.** 341.14 (6r) (c) of the statutes is amended to read:

17 341.14 (6r) (c) Special group plates shall display the word "Wisconsin", the
18 name of the applicable authorized special group, a symbol representing the special
19 group, not exceeding one position, and identifying letters or numbers or both, not
20 exceeding 6 positions and not less than one position. The department shall specify
21 the design for special group plates, but the department shall consult the president
22 of the University of Wisconsin System before specifying the word or symbol used to
23 identify the special groups under par. (f) 35. to 47., the secretary of natural resources
24 before specifying the word or symbol used to identify for the special group under par.
25 (f) 50. and, the chief executive officer of the professional football team and an

1 authorized representative of the league of professional football teams described in
2 s. 229.823 to which that team belongs before specifying the design for the applicable
3 special group plate under par. (f) 55., and the executive secretary of the arts board
4 before specifying the word or symbol used to identify the special group under par. (f)
5 56. Special group plates under par. (f) 50. shall be as similar as possible to regular
6 registration plates in color and design.

7 **SECTION 3406f.** 341.14 (6r) (f) 56. of the statutes is created to read:

8 341.14 (6r) (f) 56. Persons interested in expressing their support of the arts.

9 **SECTION 3406g.** 341.14 (6r) (fm) 7. of the statutes is amended to read:

10 341.14 (6r) (fm) 7. ~~Except for the authorized special group enumerated under~~
11 ~~par. (f) 55., after~~ After October 1, 1998, additional authorized special groups may
12 only be special groups designated by the department under this paragraph. The
13 authorized special groups enumerated in par. (f) shall be limited solely to those
14 special groups specified under par. (f) on October 1, 1998, except for the authorized
15 ~~special group enumerated under par. (f) 55.~~ This subdivision does not apply to the
16 ~~special group groups~~ specified under par. (f) 54., 55., and 56.”.

17 **15.** Page 1739, line 7: after that line insert:

18 “(1h) INITIAL TERMS OF WISCONSIN ARTISTIC ENDOWMENT FOUNDATION MEMBERS.
19 Notwithstanding section 247.03 (2) (a) of the statutes, as created by this act, 2 of the
20 initial members of the board of directors of the Wisconsin Artistic Endowment
21 Foundation shall be appointed for 2-year terms; 2 of the initial members shall be
22 appointed for 4-year terms; and 2 of the initial members shall be appointed for
23 6-year terms.”.

- 16.** Page 1825, line 8: delete “3., 4., 6., 7., and 8. (intro.)” and substitute “3. (by SECTION 3402), 4., 6., 7., 8. (intro.), and 9. (by SECTION 3406dm)”.
- (END)